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WALTER ELAM,

:

:

Plaintiff,

:

15 Civ. 7215 (CM)

:

v.

:

REPLY DECLARATION OF

CARLA B. GUNTHER

:

CONCOURSE VILLAGE, INC., ANTHONY

JAMES, *individually*, AND LETITIA BOWRY,

individually,

:

Defendants.

:

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CARLA B. GUNTHER, being duly sworn hereby deposes and says:

1. I am an attorney at the law firm of Clifton Budd & DeMaria, LLP (“Defendants’ counsel”), attorneys for Concourse Village, Inc. (“Concourse Village”), Letitia Bowry (“Bowry”), and Anthony James (“James,” and collectively with Concourse Village and Bowry, “Defendants”). I submit this reply declaration upon personal knowledge unless otherwise indicated in further support of Defendants’ motion to disqualify Plaintiff’s counsel and preclude certain evidence in this action.

2. On or about February 28, 2017, Defendants’ counsel indicated to Plaintiff’s counsel that Defendants may seek a continuance of the trial due to medical issues of individual Defendant Letitia Bowry (“Bowry”).

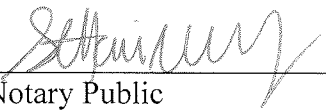
3. Defendants' counsel determined that if Bowry's medical condition does not improve as the trial date draws closer, Defendants will decide then whether to seek a continuance and will provide medical documentation to support the request.

4. Plaintiff's counsel never sought approval from Defendants' counsel to engage in *ex parte* communications with Leroy Meyers or Constance Hendricks.

I have read the foregoing paragraphs and I swear that they are true and accurate and I acknowledge that I am subject to punishment if willfully false.


CARLA B. GUNTHER

Sworn to before me on this
27th day of March, 2017


Notary Public

STEFANIE MUNSKY
Notary Public, State of New York
Reg. No. 02MU6191987
Qualified in New York County
Commission Expires October 23, 2020

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